

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2690

PETITION OF KATCO INVESTMENTS

OPINION OF THE BOARD

(Opinion Adopted May 16, 2007)

(Effective Date of Opinion: June 1, 2007)

Case No. S-2690 is an application for a special exception, pursuant to Section 59-G-2.38 of the Zoning Ordinance, to permit a non-resident professional office for an attorney's office including a title company. The Hearing Examiner for Montgomery County held a hearing on the application on March 19, 2007, closed the record in the case on March 26, 2007, and on April 27, 2007 issued a Report and Recommendation for approval of the special exception.

The subject property is Lot P3, Block 12A, Edgemoor Subdivision, located at 7511 Arlington Road, Bethesda, Maryland, 20814, in the R-60 Zone.

Decision of the Board: Special Exception **Granted** Subject
to Conditions Enumerated Below.

The Board of Appeals considered the Report and Recommendation at its Worksession on May 16, 2007. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception subject to the following conditions:

1. Petitioner shall be bound by all of its testimony and exhibits of record, and by the testimony of its witnesses and representations of counsel identified to the extent that such testimony and evidence are identified in the Hearing Examiner's report and in the Board's opinion.
2. Petitioner shall provide five parking spaces on site, including one handicapped accessible space. Landscaping shall be provided as specified in the Landscape and Lighting Plan (Exhibit 24(b)).

3. The special exception will operate with a maximum of 10 individuals, professional and staff combined, and shall have a maximum of 10 client visits per day to the office. Petitioner shall keep a log of client visits, which must be available for inspection by the Department of Permitting Services.
4. The title company portion of this use is permitted solely as an accessory function to the law office use. It must be completely under the supervision of an attorney and must be subordinate and incidental to the law office use. The title company name may not be posted on any sign, nor may it be advertised as an entity existing at the subject site.
5. Total interior floor space of the use is limited to 2,115 square feet, and the structure must retain its residential character.
6. The hours of operation will be 8:30 a.m. to 6 p.m., Monday through Friday, and 9 a.m. to 5 p.m. on Saturday and Sunday.
7. Petitioner will make information available to clients about the local public parking and transportation facilities.
8. Petitioner may not post the sign it proposes until it obtains a permit therefore pursuant to Code §59-F-9.1(a). The sign should not exceed two square feet, and a copy of the permit should be filed with the Board of Appeals.
9. Petitioner must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioner shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Donna L. Barron, Vice-Chair, seconded by Wendell M. Holloway, with Catherine G. Titus and Caryn L. Hines, presiding, in agreement, and Allison Ishihara Fultz, Chair, necessarily absent, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.

Caryn L. Hines, Presiding Board Member
Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 1st day of June, 2007.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section 59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.